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Appl. No. 10/798,496
Docket No. Z-03579/8109
Arndt. Dated June 5, 2007
Reply to Office Action mailed February 5, 2007
Customer No. 27752

REMARKS

Claim Status

Claims 1, 3, 4-10, 12-16, 18-22, 24-26, 28-29, and 31-36 are pending in the present application. No additional claims fee is believed to be due.

Claims 2, 27, and 30 are canceled without prejudice.

Claims 1, 3, 5, 26, 28, and 33 have been amended to recite a particular embodiment of the present invention where the polymer is water-insoluble. Support for these changes may be found in claim 2 as originally filed and at page 7, lines 23-30 of the specification. Claims 31 and 32 have been amended to change their dependency in view of canceled claim 30. Support for these amendments are in the claims as originally filed.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a) Over Tseng in view of Wdowik

Claims 1-10, 12-16, 18-22, and 24-36 are rejected under 35 USC §103(a) as being unpatentable over Tseng et al (US Patent 595688) in view of Wdowik (US Patent 5756081). The Office Action states that Tseng teaches a wet shaving system including a skin engagement portion including a shaving aid composite and a shaving aid matrix including a polymer and a shaving aid. The Office Action points out that Tseng does not explicitly teach that the shaving aid matrix includes a plurality of exfoliating elements having abrasive particles. The Office relies on Wdowik as teaching a plurality of exfoliating elements that are used with a shaving aid composite which could be in a solid form. Therefore, the Office Action said that it would have been obvious to a person of ordinary skill in the art to provide Tseng's shaving aid matrix with a plurality of exfoliating elements, as taught by Wdowik, in order to enhance exfoliation of the dead skin and removal of grease and oils. Applicant traverses this rejection.

Applicant contends that Tseng in combination with Wdowik does not render claims 1-10, 12-16, 18-22, and 24-36 in view of the amendments contained herein. First, although Tseng

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teaches a shaving unit that includes a composite with a first portion and a differing second portion where such portions may include a variety of skin conditioning actives, there is no teaching or suggestion of inclusion of an exfoliating element. In fact, Tseng teaches away from "exfoliating elements" since it focuses on only including agents that are useful for imparting a conditioning, softening, healing, or soothing benefit. See, claim 12 of Tseng. Since the sole inventor in the present application was a co-inventor of Tseng, it is fair to say that the present invention was not obvious to a skilled artisan in view of Tseng or else he would have disclosed exfoliating elements when Tseng was filed.

Now, Wdowik discloses shaving compositions for use in the shaving process with a razor blade assembly where such compositions include insoluble solid particulate additives. The reference teaches that these particulate additives serve to produce physical microscopic support for the blade of a razor blade assembly during the personal shaving process. These additives are taught to improve the razor blade glide and to enhance exfoliation of dead skin and removal of grease and oils. See, abstract of Wdowik. In spite of this teaching, Wdowik still fails to teach or suggest an all in one shaving product that includes a blade member and a skin-engaging portion that comprises a shaving aid composite which further comprises a shaving aid matrix with a water-insoluble polymer, a shaving aid, and exfoliating elements comprising abrasive particles embedded in the matrix. Wdowik provided no teaching or suggestion to a skilled artisan at the time of the present invention to arrive at incorporating a solid exfoliating composition into a single shaving unit. Applicant alone had the foresight to realize the need for a unitary shaving product that would allow for conditioning and exfoliating skin during the shaving process versus before and/or after as was taught by Wdowik. Applicant's invention did away with the need for a consumer to use multiple products during shaving to achieve dichotomous but equally beneficial results, i.e., conditioning and exfoliating skin. As evidenced by Wdowik's disclosure, the reference still envisions that the shaving composition is external to the razor blade assembly as it is packaged in a separate appropriate dispenser (see Example 1 at col. 5, lines 35-36). Such separate packaging requires that this shaving composition be dispensed and applied to the face. This is not the case in the present invention. Accordingly, Applicant asserts that Wdowik also teaches away from the present invention in teaching a skilled artisan that multiple products are required for exacting multiple functions on the skin before and/or after shaving whereas Applicant clearly shows that multiple functions can be handled during a single shaving stroke.

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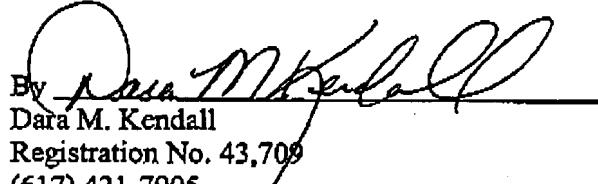
In addition, Applicant's claims are able to deliver skin conditioning and exfoliation benefits by incorporating a water-insoluble polymer that acts to embed the exfoliating elements comprising the abrasive particles within the solid composite. Wdowik does not teach or suggest such embedding in its disclosure... even in the context of a solid composition.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under §103(a). Early and favorable action in the case is respectfully requested. This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1, 3, 4-10, 12-16, 18-22, 24-26, 28-29, and 31-36 is respectfully requested.

Respectfully submitted,

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